

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MEDICAL/SURGICAL GROUP TRUST  
and MAZZEO UNUM RIZZO DIX  
SNECHLOR,

Plaintiffs,

-against-

1:13-cv-1109 (LEK/CFH)

NEW YORK STATE ENERGY  
RESEARCH & DEVELOPMENT  
AUTHORITY, INC.; *et al.*,

Defendants.

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**ORDER**

This matter comes before the Court following Report-Recommendations filed on December 6, 2013, and February 24, 2014, by the Honorable Christian F. Hummel, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. Nos. 5 (“First Report-Recommendation”); 7 (“Second Report-Recommendation”). Judge Hummel recommended that Plaintiffs Medical/Surgical Group Trust and Mazzeo Unum Rizzo Dix Snechlor’s (collectively, “Plaintiffs”) Complaint be dismissed with leave to amend. See generally First Report-Rec.; Second Report-Rec.; Dkt. No. 1 (“Complaint”). No objections were filed. See generally Docket.

A district court must review *de novo* any objected-to portions of a magistrate judge’s report-recommendation or specific proposed findings or recommendations therein and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b); accord FED. R. CIV. P. 72(b); see also Morris v. Local 804, Int’l Bhd. of Teamsters, 167 F. App’x 230, 232 (2d Cir. 2006); Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013). If no objections are made, or if an objection is general, conclusory,

perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Chylinski v. Bank of Am., N.A., 434 F. App'x 47, 48 (2d Cir. 2011).

Upon review of the Report-Recommendation, the Court finds that it is not subject to attack for clear error, and accordingly accepts and adopts it in its entirety.

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendations (Dkt. Nos. 5, 7) are **APPROVED** and **ADOPTED in their entirety**; and it is further

**ORDERED**, that Plaintiff Mazzeo Unum Rizzo Dix Snechlor, if he wishes to pursue this action, must file an amended complaint **within thirty (30) days** of the filing date of this Order that remedies the deficiencies outlined in the Report-Recommendations; and it is further

**ORDERED**, that if Plaintiff fails to timely file an amended complaint as directed above, the Clerk shall enter judgment indicating that the Complaint (Dkt. No. 1) is **DISMISSED with prejudice** without further order of the Court pursuant to 28 U.S.C. § 1915(e) for failure to state a claim upon which relief may be granted. In that event, the Clerk is directed to close this case; and it is further

**ORDERED**, that Plaintiff Medical/Surgical Group Trust, having failed to retain counsel in this action, is **DISMISSED** from this case;<sup>1</sup> and it is further

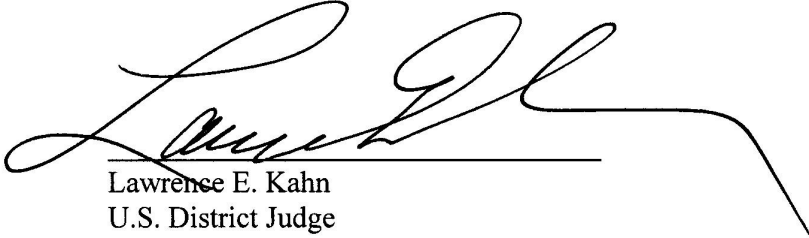
**ORDERED**, that the Clerk serve a copy of this Order upon the Plaintiffs.

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<sup>1</sup> See Shapiro, Bernstein & Co. v. Continental Record Co., 386 F.2d 426, 427 (2d Cir. 1967) (“[I]t is settled law that a corporation cannot appear other than by its attorney.”).

**IT IS SO ORDERED.**

DATED: April 24, 2014  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge